

Application Number 10/813,307
Response to Office Action mailed March 18, 2008

REMARKS

Prior to the filing of this response, claims 1-5, 17-32, 41-47 and 67-68 were pending in the application.

In this response, claim 1 is amended to incorporate the subject matter of claim 20, and claim 20 is cancelled. Claims 21-23 are amended to properly depend from the amended claim 1.

Claim 29 is amended to incorporate the subject matter of claim 43, and claim 43 is cancelled.

In view of the above amendments and the following remarks, Applicants respectfully request further examination of the application and reconsideration of the rejections set forth in the Final Office Action dated March 18, 2008.

I. Allowable Subject Matter

In the Final Office Action, the Examiner indicated that claims 67-68 are allowed. The Examiner also indicated that claims 4-5, 20-23, 32, 41-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

II. Telephonic Interview

Applicants would like to thank the Examiner for discussing the Final Office Action via telephonic interview. Mr. Gwin and Examiner Gilbert participated in the interview. During the telephonic interview, Applicants proposed amending claim 1 to incorporate the subject matter of allowed claim 20. The Examiner indicated that such an amendment would result in the allowance of claim 1 if Applicants also further amended claim 1 to include the subject matter cancelled in the previous Office Action response.

III. Claim Rejections Under 35 U.S.C. § 102

Claims 1-3, 24-27, 29-31, 45-46 stand rejected under 35 U.S.C. 102(e) as anticipated by Kilcoyne et al. (US 6,689,056; hereafter Kilcoyne).

Claims 1-3, 24-31, 45-47 stand rejected under 35 U.S.C. 102(e) as anticipated by Calliou et al. (US 7,020,531; hereafter Calliou).

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In response, independent claim 1 is amended to incorporate the subject matter of allowed claim 20, and independent claim 29 is amended to incorporate the subject matter of allowed claim 43.

In view of these amendments, all claims remaining in the application are in condition for allowance, and reconsideration and withdrawal of the cited rejections over Kilcoyne and Calliou are respectfully requested.

IV. Rejections for Obviousness-type Double Patenting:

A.

Claims 1-3, 17-19, 24-27, 29-31, 45-46 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,689,056.

A Terminal Disclaimer accompanies this Amendment. The disclaimer is made to expedite issuance and is not intended as an admission that any claim of the present application is the same or an obvious variant of those of U.S. Patent No. 6,689,056. This disclaimer obviates the double patenting rejection and places the claims in condition for allowance. Reconsideration and withdrawal of the cited double patenting rejection are respectfully requested.

B.

Claims 1, 17-18, 24-27, 29, 45-46 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-17, 62-87 of copending Application No. 10/833,776.

Claims 1-3, 17-18, 24-27, 29-31, 45, 46 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-11, 13-16, 55-58, 61-66 of copending Application No. 10/687,296.

Claims 1-3, 17-19, 24-27, 29-31, 45, 46 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 55-58, 66, 69, 71, 73 of copending Application No. 10/896,553.

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Claims 1-3, 17-18, 24-31, 45, 46 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-53 of copending Application No. 10/835,425.

Applicants submit that upon entry of the amendments set forth herein, the provisional rejections under the judicially created doctrine of obviousness-type double patenting are the only rejections remaining in this application. Applicants therefore respectfully request that the Examiner withdraw the provisional double patenting rejections.¹

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims.


Please charge any additional fees or credit any overpayment to deposit account number 50-1778.

If questions remain regarding the above, please contact the undersigned.

Date:

By:

June 18, 2008
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¹ See MPEP 804(I)(B).